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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/002,382  
Applicant : Memran  
Filed : October 20, 2001  
TC/A.U. : 2644  
Examiner : Tony M. Jacobson  
Docket No. : 765  
Customer No.: 27353

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Confirmation No. 2795

JAN 03 2005

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NOV 26 2004

**OFFICE OF PETITIONS**

For: Utilizing Vacuum Tubes in Computer Audio Circuitry

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandra, VA 22313-1450

PETITION TO RECONSTRUCT THE PATENT APPLICATION FILE  
PURSUANT TO 37 CFR 1.181 and 1.182

Sir:

Applicant petitions to the Director to reconstruct the above-referenced patent application file in the Patent and Trademark Office pursuant to 37 CFR 1.181 and 1.182, with a petition fee of \$130.00 under 37CFR 1.17(h). The Commissioner is hereby authorized to charge above-referenced fee to Deposit Account 502,557 and any additional fee required or credit for any excess fee paid.

On April 13, 2004, Applicant's agent submitted a Response to the first Office Action of the instant application, but has not received further communication from the Office. However, in a status check in July, 2004 using Office's Pair system, Applicant's agent found by surprise that a Notice of Informal Amendment was mailed out on April 16, 2004, but never received by the Applicant (see Exhibit A, Transaction History obtained from the Pair system).

11/24/2004 HGBREM1 00000019 502557 10002382

01 FC:1460

130.00 DA

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail mailing label number: \_\_\_\_\_

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandra, VA 22313-1450.

Marcia Scruggs

Typed or printed name of person signing this certificate

*Marcia Scruggs*  
Signature

Date

11/19/04

Since July, 2004, Applicant's agent has contacted the Clerk, Examiner, Primary Examiner, Supervisor Examiner, who are responsible for this application, numerous times via telephone about the status of the instant application. Applicant's agent also submitted a written request on September 20, 2004 to request the Examiner to forward the Office communication dated April 16, 2004 (see Exhibit B), so that the prosecution can be continued. However, in the last phone calls in September, Applicant's Agent was informed by the Examiner that the instant application was officially confirmed as lost in the Office.

Since then, Applicant's agent has been referred to a Special Examiner Kimberly Spears for the status of the instant application. However, Applicant's agent has tried to reach Examiner Spears through phone, and phone mails, but has not received any response up to date.

Applicant petitions to reconstruct the patent application file using Applicant's file record, or in combination with available electronic file record in the Office. Applicant respectfully requests the Director to grant the petition.

Furthermore, Applicant respectfully points out to the Director that the instant application is entitled to expedited prosecution based on an ongoing infringement (see Exhibit C, Grant of the Petition to Make Special). Applicant is eager to continue prosecution of the instant application.

Applicant further request the Office to refund the petition fee, since the lost of file record in the Office is not caused by the Applicant.

11-19-04

Date of Signature

By:



Melvin K. Silverman  
Registration No. 26,234

Address correspondence to:  
Melvin K. Silverman  
500 Cypress Creek Road  
Suite 500  
Fort Lauderdale, Florida 33309  
Telephone: (954) 351-7474  
Facsimile: (954) 492-0087

Printer Friendly

10/002,382

Utilizing vacuum tubes in computer audio circuitry

*Exhibit A*

## Transaction History

Date	Contents Description
04-16-2004	Mail Notice of Informal or Non-Responsive Amendment
04-15-2004	Date Forwarded to Examiner
04-13-2004	Informal or Non-Responsive Amendment after Examiner Action
04-13-2004	Response after Non-Final Action
04-13-2004	Request for Extension of Time - Granted
04-13-2004	Request for Extension of Time - Granted
12-12-2003	Mail Non-Final Rejection
12-09-2003	Non-Final Rejection
11-25-2003	Petition Decision - Granted
10-09-2003	Petition Entered
09-10-2003	Petition Decision - Denied
06-04-2003	Petition Entered
05-06-2003	Correspondence Address Change
05-07-2003	Change in Power of Attorney (May Include Associate POA)
04-17-2003	Correspondence Address Change
04-18-2003	Petition Decision - Denied
04-10-2003	Petition Entered
04-18-2003	Record Petition Decision of Granted Related to Attorney
11-13-2002	Petition Entered
04-07-2003	Case Docketed to Examiner in GAU
01-06-2003	Case Docketed to Examiner in GAU
04-17-2002	Case Docketed to Examiner in GAU
12-28-2001	Application Dispatched from OIPE
12-26-2001	Application Is Now Complete
12-12-2001	IFW Scan & PACR Auto Security Review
10-20-2001	Initial Exam Team nn

[Close Window](#)

*Exhibit B*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/002,382  
Applicant : Memran  
Filed : October 20, 2001  
TC/A.U. : 2644  
Examiner : Tony M. Jacobson

Confirmation No. 2795

Docket No. : 765  
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**RECEIVED**  
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OFFICE OF PETITIONS

For: Utilizing Vacuum Tubes in Computer Audio Circuitry

Commissioner for Patents  
P.O. Box 1450  
Alexandra, VA 22313-1450

REQUEST ON FORWARDING OFFICE COMMUNICATION  
DATED April 16, 2004

Sir:

Applicant respectfully requests the Examiner to provide the Office communication dated April 16, 2004, which Applicant has never received.

On April 13, 2004, Applicant's agent submitted a Response to the first Office Action of the instant application, but has not received further communication from the Office. However, in a recent status check using Office's Pair system, Applicant found by surprise that a Notice of Informal Amendment was mailed out on April 16, 2004 (see enclosed Transaction History obtained from the Pair system).

CERTIFICATE OF TRANSMISSION

I hereby certify that, on the date shown below, this correspondence is being facsimile transmitted to the Commissioner for Patents, at Fax No. (703) 872-9306.

Marcia Scruggs

Typed or printed name of person signing this certificate

Signature

*ms 9/20/04*

Date

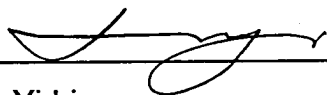
*9/20/04*

Applicant's Agent has contacted the Examiner and the Clerk who is responsible for handling this application numerous times via telephone, since July, 2004 when the Applicant's Agent became aware of the existence of the Office communication dated April 16, 2004. Applicant's Agent has specifically requested the Examiner to take an action on forwarding the Office communication dated April 16, 2004, so that the Applicant can respond to the communication, and to continue the prosecution of the instant application. However, as to date, September 20, 2004, Applicant has not received any official response from the Office which provides the Office communication dated April 16, 2004.

Applicant respectfully reminds the Examiner that this application is entitled expedited prosecution based on an ongoing infringement. With this written request, Applicant once again requests the Examiner to take an appropriate action on providing the Office communication dated April 16, 2004, so that the prosecution process can be continued.

Applicant's Agent respectfully requests direct telephone communication from the Examiner with a view toward any further action deemed necessary to resolve problems associated with the missing document.

9/20/2004  
Date of Signature

By:   
Yi Li  
Registration No. 44,211  
Agent of the Applicant

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UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit C

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

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Paper No. 12  
MAIL

NOV 25 2003

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

Melvin K Silverman & Associates PC  
4901 North Federal Highway Suite 440  
Fort Lauderdale FL 33308

In re Application of  
MEMRAN, LOUIS I.  
Application No. 10/002,382  
Filed: October 20, 2001  
For: UTILIZING VACUUM TUBES IN  
COMPUTER AUDIO CIRCUITRY

:  
:  
: DECISION ON PETITION  
: TO MAKE SPECIAL  
:  
:

This is a decision on the renewed petition filed October 9, 2003 under 37 CFR §1.102(d) to make the application special, which is being treated as a request for reconsideration.

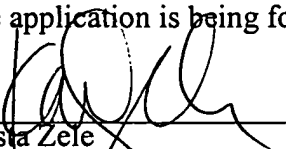
A grantable petition under 37 CFR §1.102(d) and MPEP § 708.02, section II: Infringement, must be accompanied by the required fee and a statement alleging:

- (1) that there is an infringing device or product actually on the market or method in use;
- (2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and,
- (3) that he or she has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art. Further, Applicant must provide a copy of each of the references deemed most closely related to the subject matter encompassed by the claims if the claims are not already of record.

The petitioner meets all of the above requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application is being forwarded to the examiner for expedited prosecution.

  
Krista Zele  
Special Program Examiner  
Technology Center 2600  
Communications  
(703) 305-4701